

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PABLO P. PINA,

No. C 07-4989 SI (pr)

Plaintiff,

**ORDER**

v.


JAMES TILTON, Director/Secretary;  
et al.,

Defendants.

Plaintiff's "motion that this court correct the filing fees owed in case # C 07-5675 SI" is DENIED. (Docket # 57.) Plaintiff filed his motion in the wrong case, and should have filed it in the case in which the fee was assessed. In any event, the motion is meritless. The filing fee owed for case No. C 07-5675 SI was \$350.00. Plaintiff tries to draw a distinction between the fees for a petition for writ of mandamus and for a § 1983 action, but the statute setting the filing fee does not make that distinction. See 28 U.S.C. § 1914(a). Section 1914(a) allows a \$5.00 filing fee only for habeas petitions, which Pina's petition for writ of mandamus in Case No. C 07-5675 SI was not.

IT IS SO ORDERED.

Dated: February 10, 2010

  
SUSAN ILLSTON  
United States District Judge